

Appl. No. 10/687,381
Atty. Docket No. 9388
Amdt. dated May 10, 2006
Reply to Office Action of February 10, 2006
Customer No. 27752

REMARKS

Claim Status

Claim 1 has been amended to better define the claimed invention with greater specificity by clarifying the formula for the claimed temporary wet strength resin. Support for the amendments is found throughout the Specification and in the Claims as originally filed.

Claims 3-10, 15, 17 and 18 have been amended to be consistent with Claim 1, as amended.

Claims 2 and 11 have been cancelled without prejudice. The subject matter of Claims 2 and 11 has been incorporated into Claim 1, as amended.

Claims 19-20 have been cancelled without prejudice.

Claims 1, 3-10 and 12-18 are pending in the present application. No additional claims fee is believed to be due.

Telephone Interview

Applicant, Robert Barcus, and Applicants' legal representative, C. Brant Cook, appreciate Examiner Cordray's and Supervisor Examiner Hug's time on April 3, 2006 for participating in a telephone interview during which the prior art references were discussed.

Further, Applicants' legal representative, C. Brant Cook, acknowledges Examiner Cordray's phone message on February 7, 2006 informing Mr. Cook of the typographical error in a double patenting reference application number.

Rejection Under 35 USC §102(b) Over U.S. Patent No. 3,317,370

Claims 1, 2, 4, 6, 8, 10-12, 15, 17 and 19-20 are rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by U.S. Patent No. 3,317,370 to Kekish ("Kekish"). The Examiner asserts that Kekish discloses a wet strength resin for use in

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papermaking comprising a terpolymer comprising: a) an aldehyde, specifically acrolein, containing monomer; b) a nitrogen heterocycle containing monomer; c) a monomer containing a hydrophilic group, such as hydroxyethyl (meth)acrylate. Further, the Examiner asserts that Kekish teaches that cationic derivatives of its terpolymers can be formed.

Applicants respectfully submit that Kekish fails to teach each and every element of Claim 1, as amended, because Kekish fails to teach a wet strength resin comprising an aldehyde containing monomer other than acrolein. Therefore, Applicants respectfully submit that Claim 1, as amended, is not anticipated by Kekish. Further, Applicants submit that Claims 4, 3, 8, 10, 12, 15 and 17 (Claims 2, 11, 19 and 20 have been cancelled), as amended, which ultimately depend from Claim 1, as amended, are not anticipated by Kekish.

Rejection Under 35 USC §102(b) Over U.S. Patent No. 3,347,832

Claims 1, 2, 4, 5, 10, 11, 15, 17 and 19-20 are rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by U.S. Patent No. 3,347,832 to Mills ("Mills"). The Examiner asserts that Mills discloses a wet strength resin for use in papermaking comprising a terpolymer comprising: a) an ammonium salt; b) an ethylenically unsaturated aldehyde; and c) 1,4-butanediol dimethacrylate, which the Examiner asserts satisfies group Z of the claimed formula.

Applicants respectfully submit that the 1,4-butanediol dimethacrylate does not satisfy group Z of the claimed formula because 1,4-butanediol dimethacrylate does not contain a hydroxyl group (-OH). Accordingly, Applicants submit that Claim 1, as amended, is not anticipated by Mills because Mills fails to teach a wet strength resin comprising a monomer containing a Z group as claimed in Claim 1, as amended. Further, Applicants submit that Claims 4, 5, 10, 15 and 17 (Claims 2, 11, 19 and 20 have been cancelled), as amended, which ultimately depend from Claim 1, as amended, are not anticipated by Mills.

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Rejection Under 35 USC §103(a) Over Kekish or Mills

in view of U.S. Patent No. 4,603,176 and/or U.S. Patent No. 4,981,557

Claims 9, 13, 14, 16 and 18 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over the Kekish or Mill, both described above, in view of U.S. Patent No. 4,603,176 to Bjorkquist et al. ("the `176 Patent") and U.S. Patent No. 4,981,557 to Bjorkquist ("the `557 Patent"). The Examiner recognizes that Kekish and Mills fail to teach an aldehyde-containing monomeric unit from the group presented in Claim 9. Further, the Examiner recognizes that Kekish and Mills do not teach a single- or multi-ply sanitary tissue product, surgical garment or a method of making a sanitary tissue product. Further yet, the Examiner recognizes that Kekish and Mills do not disclose fibrous structures having wet and dry tensile strength properties or the wet tensile decay properties of Claim 18.

The Examiner attempts to overcome the deficiencies associated with Kekish and Mills by combining their teachings with the teaching of the `176 Patent, in particular, and the `557 Patent. Applicants respectfully submit that Claims 9, 13, 14, 16 and 18, which ultimately depend from Claim 1, as amended, are not rendered obvious over the teachings of Kekish or Mills in combination with the teachings of the `176 Patent and/or the `557 Patent for the same reasons that Claim 1, as amended, is not rendered anticipated nor obvious over Kekish or Mills. MPEP 2143.03.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 USC §102(b) and §103(a). Early and favorable action in the case is respectfully requested.

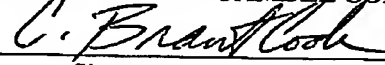
This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1, 3-10 and 12-18, as amended, is respectfully requested.

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Respectfully submitted,

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By



Signature

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